

REMARKS

In response to the Official Action mailed April 4, 2003, the Applicants, through their attorney, reply as follows. In the Official Action, the previous restriction requirement was made final, claims 1-6 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,389,698. Claims 7-8 were rejected 35 U.S.C. § 103(a) as obvious in view of U.S. Pat. No. 5,389,698. By this Amendment and Response, claim 1 has been amended, claim 4 has been cancelled without prejudice or disclaimer, and claims 18-21 have been added. A paragraph on page 5 of the specification has also been amended to eliminate an inconsistency between Fig. 1B and the description of Fig. 1B in the specification.

The Applicants have considered the Action and the cited art and believe the present invention, as amended, is patentably distinct from the cited art, either alone or in combination with any other art. Claim 1 recites that the optical compensation film of the present invention has a controlled in-plane and out-of-plane optical retardation. Support for this amendment may be found throughout the description, particularly in the examples, such as examples 5 and 5a on pages 22 and 23, respectively. Chigrinov et al. do not teach or suggest a compensation film with a controlled out-of-plane optical retardation. Optimization of both in-plane and out-of-plane retardation is desirable for compensation of liquid crystal displays. It is respectfully requested that the rejection of claim 1 be withdrawn and claim 1 be deemed allowable over the prior art.

Claims 2-3, 5-8 and 18-21, which directly or indirectly depend from claim 1 and incorporate all of the limitations of claim 1, include additional distinctions which are not taught or suggested by the prior art. For example, claims 18-20 recite compensation films comprising polymers that are not taught or suggested by Chigrinov et al. Claim 21 recites that the compensation film is selected from the group consisting of a negative A film, a positive A film, a positive C film and a positive O film. Chigrinov et al. do not provide any teaching or

suggestion regarding these types of compensation films. Support for new claims 18-21 may be found throughout the description. Support for claim 18 may specifically be found on page 4. Support for claim 19 may be found on pages 12 and 17-18. Support for claim 20 may be found on pages 15-16. Support for claim 21 may be found on pages 11, 14-15, 17-18, and 20-21.

In light of the foregoing amendments and arguments presented herein, Applicants respectfully request reconsideration of the present application and withdrawal of the rejections under 35 U.S.C. § 102(b), and 35 U.S.C. § 103. A formal Notice of Allowance of claims 1-3, 5-8 and 18-21 is earnestly solicited. The Applicants also request rejoinder of claims 9-17 in light of the amendment to claim 1. The Applicants maintain that the compensator film recited in claim 1 can not be made by another, materially different method such as by stretching a polymer film. The Applicants also reiterate their previous statement that goggles, such as welding goggles, that incorporated the compensation film of the present invention would necessarily be liquid crystal displays. An example of such device may be seen in U.S. Pat. No. 6,424,448, which provides that the light modulator comprises a conductive substrate and an indium tin oxide coated substrate, with compensation films and a liquid crystal material provided between the substrates (see column 3, lines 51-65). Regardless of whether such an arrangement of elements is labeled a "cell," the elements are indistinguishable in composition and arrangement from a liquid crystal cell.

The present Response and Amendment is filed with a petition for an extension of time of one month, with a cheque in the amount of \$55.00. No other fees are believed to be due at this time. Nevertheless, in the event that a fee required for the filing of this document is insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication, or to credit any overpayment to deposit account number 18-0987.

Application No.: 09/722,991
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Reply to Office Action of April 4, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Cunniff", written over a horizontal line.

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